

AD. 36.
January 3, 2022.
MNS.

(Through Video Conference)

WPA No. 9286 of 2021

Chandranath Khan
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Nilanjan Bhattachaejee

...for the petitioner.

Mr. Soumyajit Chakraborty

...for the WBSEDCL.

The petitioner's grievance is that, despite the petitioner's specific application (Annexure P-3 at page 23 of the writ petition) for shifting of electricity pole from the front of the petitioner's house, the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') is sitting tight over the matter.

It is further submitted that the petitioner is agreeable to shifting of the electricity pole to any alternative location on the land of the petitioner himself.

Learned counsel appearing for the WBSEDCL, however, contends that the WBSEDCL personnel, upon holding an inspection, have come to the conclusion that it is not possible to shift the electricity pole to any alternative location on the petitioner's land, if such shifting is to be effected at all, and it is contended that

the land of a third party has to be encroached upon for the proposed shifting.

In view of the WBSEDCL specifically contending that it is technically not possible to shift the electricity pole to another location of the petitioner's premises, the purpose of justice would be sub-served in the event the WBSEDCL is permitted to effect necessary repairs of the existing electricity pole, which stands damaged in view of the recent cyclone '*Amphan*'.

Accordingly, WPA No. 9286 of 2021 is disposed of by directing the respondent-authorities to effect necessary repairs to the electricity pole-in-question at the earliest, preferably within four weeks from date, upon prior notice to the petitioner.

It is made clear that the petitioner and/or his men and agents shall co-operate with the personnel of the WBSEDCL in such repair work and shall not create any obstruction thereto.

In the event any obstruction is created to the repair work by the petitioner and/or his men and agents, it will be open to the WBSEDCL personnel to approach the local police station for grant of adequate police assistance in that regard.

If so approached, the local Police Station shall provide necessary police help for the purpose of effecting the repair of the damaged electricity pole.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)